

United States Court of Appeals for the Sixth Circuit  
524 Potter Stewart U.S. Courthouse Building  
100 East Fifth Street  
Cincinnati, Ohio 45202-3988

Leonard Green  
Clerk

Ken Loomis  
(513) 564-7067

Thomas W. Jacobs, Esq.  
Jacobs, Jensen & Napolitano  
30 Garfield Place  
Suite 750  
Cincinnati, Ohio 45202

**FILED**

MAY 22 2006

JAMES BONINI, Clerk  
CINCINNATI, OHIO

**FILED**

MAY 22 2006

LEONARD GREEN, Clerk

Re: 06-3521  
USA v. Pugh  
District Court No.: 02-00054

Dear Mr. Jacobs:

Thank you for accepting the court's appointment to represent the appellant in the above-styled case; the court appreciates your undertaking to provide the representation afforded by the Criminal Justice Act, 18 U.S.C. § 3006A, *et seq.* This appeal is taken from a judgment entered by United States District Court Judge David L. Bunning of the Southern District of Ohio at Cincinnati. Trial attorney William R. Gallagher of Cincinnati, Ohio, having been granted leave to withdraw from the appellate proceedings, your appointment is made pursuant to the terms of the Act.

Upon the completion of transcripts, this office will issue a schedule for the filing of the parties' briefs and joint appendix and will so advise counsel. To that end I have enclosed a copy of the listing of district court docket entries. Please examine the list, determine which proceedings are to be transcribed and use the Form 6CA-30 to place your order with Court Reporters, **Betty J. Schwab**, 100 East Fifth Street, Suite 801 Potter Stewart United States Courthouse, Cincinnati, Ohio 45202, telephone (513) 564-7636, **Julie Wolfer**, 100 East Fifth Street, Suite 828 Potter Stewart United States Courthouse, Cincinnati, Ohio 45202, telephone (513) 564-7606, and **Lisa Wiesman**, Eastern District of Kentucky at Covington, 35 West Fifth Street, P.O. Box 1073, Covington, Kentucky 41012. The cost of producing the transcript will be borne by the government under the Criminal Justice Act. If you have any problems involving the transcript, please contact this office's Transcript Coordinator, Beverly Harris at (513) 564-7077.

An appearance form and transcript order form must be received in the Clerk's Office within 14 days from the date of this letter. These forms may be downloaded from the court's website which is: [www.ca6.uscourts.gov](http://www.ca6.uscourts.gov). Any questions you may have concerning the progress of the appeal may be addressed to this office to the attention of Robin Duncan, Case Manager, (513) 564-7027.

One final cautionary note is in order. There are companies which claim expertise in federal criminal and post-conviction law and which aggressively market their services directly to inmates. Their marketing materials promise litigants that they may hire these companies, using private funds, to assist court-

appointed counsel in developing their appellate strategy and preparing motions and briefs for the court of appeals. **THESE REPRESENTATIONS ARE MISLEADING AND CAN RAISE SERIOUS ISSUES FOR COURT-APPOINTED COUNSEL AS WELL AS THE LITIGANT.** If a litigant has private funds available, whether from family or otherwise, to hire a research company, his or her entitlement to the services of counsel or the provision of transcript at government expense is placed in jeopardy. If appointed counsel assists a client in misrepresenting indigency to the court, or knowingly allows such a misrepresentation to occur, he or she is likely to have violated one or more provisions of the Code of Professional Responsibility. If you should become aware that your client has financial resources not previously disclosed to the court, you should contact the Clerk or Chief Deputy Clerk immediately for guidance.

Very truly yours,



Kenneth A. Loomis  
Administrative Deputy

Enclosures

cc:

Walter M. Pugh  
USM No: 03559-061  
United States Penitentiary - Atwater  
P.O. Box 019001  
Atwater, California 95301

Amul R. Thapar, Esq.  
Office of the U.S. Attorney  
221 East Fourth Street  
Suite 400, Atrium II Building  
Cincinnati, Ohio 45202

Clerk, U.S. District Court